

a drawer comprising a plurality of partitions and a lock for securing valuables,
said drawer extending through the front wall of the main body portion.

2. (New) A recreational tote kit consisting essentially of:

a base portion having a bottom wall, front wall, back wall, top wall, and opposite
end walls, said front wall, back wall, and opposite end walls extending up from said
bottom wall and slightly past said top wall to create a place for a conventional cooler
to be placed on top and partially inside said base portion;

a drawer comprising a plurality of partitions and a lock for securing valuable, said
drawer extending through the front wall;

a conventional cooler to be placed and secured inside said base portion, and
attaching means for securing said base portion to said conventional cooler.

3. (New) A recreational tote kit as claimed in claim (2) wherein the base portion can
alternatively be placed inside a conventional cooler.

REMARKS

Claim 1 was pending. Claim 1 has been amended. Claims 2 and 3 have been added. Accordingly, claims 1-2 presently are pending.

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended and Claims 2 and 3 have been added to address the Examiner's §112 concerns.

Claim 1 has been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,841,661 to Moore and U.S. Patent No. 5,864,981 to Zeman. Applicant

respectfully traverses the rejections. Applicant has further amended Claim 1 to overcome the Examiner's rejection.

The present invention as recited in amended claim 1 is a recreational tote consisting essentially of a main body portion, a removable plastic bag, a lid, and a locked drawer with a plurality of partitions for securing valuables. A second embodiment of the present invention as recited in claim 2, comprises another novel and distinguishable feature, namely it has a kit, which includes a base portion that can be secured to the outside of a conventional cooler with the cooler placed on top and slightly inside the base portion, or alternatively, the base portion can be placed inside a conventional cooler. The base portion further consists of a locked drawer for securing valuables, which extends through the front wall of the base portion.

In contrast to the present invention as recited in amended claim 1, Moore, discloses a portable fishing accessory that has "manually releasable latch means," which have been described in the specifications as "snap locks" utilized to hold closed the door to the tackle box, the flashlight, and the cover. Moore does not disclose a separate drawer with a lock for securing valuables. According to Moore, the latch means are merely used to hold the parts together and may be manually released. A locked drawer for securing valuables is advantageous because it will help prevent theft of valuables if the tote is momentarily left, for example on a crowded beach when the user goes for a swim. Further, Moore does not disclose a removable plastic bag that can be used to store bait and catch in the same main body as the food and beverage. Thus, Moore does not have the advantage of doubling as a cooler for both food and beverage and bait and catch. Furthermore, Moore discloses a box-like body for storing food that is open at the top and

has a removable lid to cover the body. The present invention, as recited in claim 2, has a kit that is adequately sized to receive and secure a separate conventional cooler or may be placed inside the cooler. Unlike the present invention, Moore does not disclose a recreational tote that may incorporate a separate cooler, which is advantageous because it would allow the user to pull out the cooler once arriving at a desired destination without having to necessarily continue to carry the entire tote. For example, if a user reaches a favorite fishing spot and wants to have a picnic at a little area across the river, he or she could grab the cooler and leave the rest of the tote at the fishing spot.

In view of the foregoing, the Moore reference lacks a secure drawer for storing valuables, a separate removable bag for storing food and beverages with bait and catch in the same compartment, and a place for a separate cooler to be placed and secured. Accordingly, Moore cannot anticipate the present invention. *United States Filter Corp. v. Ionics Inc.*, 68 F. Supp.2d 48, 54, 53 USPQ2d 1071, 1077 (D. Mass. 1999) ("if a prior art reference lacks any claimed element, then as a matter of law a decision maker (whether in the patent office or in a court) cannot find anticipation."); *Mickowski v. Visi-Trak Corp.*, 36 F. Supp. 2d 171, 179 (S.D. N.Y. 1999) ("Anticipation under 35 U.S.C. § 102 requires the disclosure of a single piece of prior art embodying each and every limitation of a claimed invention. ... In other words, anticipation requires that the identical invention that is claimed was previously known to others.");

Similarly, the Zeman reference cannot anticipate the present invention because it discloses the use of two separate compartments for storing food and beverage and bait and catch whereas the present invention discloses a single compartment and a removable



plastic bag. Zeman also does not disclose a locked drawer for securing valuables or a place for a separate cooler to be placed and secured.

In view of the foregoing, the cited prior art does not anticipate the present invention as recited in amended claim 1 and the additional claims 2 and 3. Claims 1-3 are respectfully submitted as being patentable over the cited prior art.

The Application is submitted as being in condition for allowance. The Applicant has received the assistance of The Intellect Law Group, Attorney Joseph S. Beckman, registration no. 45,529 in preparing this response to the office action dated March 9, 2006.

Respectfully submitted,

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CERTIFICATE OF MAILING

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